HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 930(M/B) 2006

1. Ajay Singh Vinay Kumar S/o Sri Sher Singh,
   Saw Mill owner Rohalki Kishanpur,
   District Haridwar, Uttaranchal,
2. Shesh Raj Singh S/o Sri Inder Singh,
   Saw Mill owner P.O. Shapur, Sheetlakheda,
   District Haridwar, Uttaranchal,
3. Dyaram S/o Sri Ram Prasad,
   Saw Mill owner r/o Gram Post Habibpur Kudi Raise,
   District Haridwar, Uttaranchal,
4. Tahir Hasan S/o Sri Hamid Hasan,
   Saw Mill owner r/o Gram Sultanpur Adampur,
   District Haridwar, Uttaranchal,
5. Jaan Aalam S/o Sri Mazid,
   Saw Mill owner r/o village Puhana Post Saliyar,
   District Haridwar, Uttaranchal,
6. Irshad Ahmad S/o Sri Bashir Ahmad,
   Saw Mill owner r/o village Post Sultanpur, Aadampur,
7. Vaseem Khan Sri Haneef Khan,
   Saw Mill owner r/o village Post Piran Kaliyar,
   District Haridwar, Uttaranchal,
8. Julfikar S/o Sri Sharafat Ali,
   Saw Mill owner r/o village Post Piran Kaliyar,
   District Haridwar, Uttaranchal,
9. Faiyaaz S/o Sri Sadik,
   Saw Mill owner r/o village Post Piran Kaliyar,
   District Haridwar, Uttaranchal,
10. Shaan Ilahi S/o Sri Manzoor Hasan,
    Saw Mill owner r/o village Post Piran Kaliyar,
    District Haridwar, Uttaranchal, ---Petitioners.

Vs.

1. The State of Uttaranchal ,
2. The Principal Chief Conservator of Forest,
   Dehradun, Uttaranchal,
3. The Conservator of Forest, Shivalik Circle,
   Dehradun Uttaranchal,
4. The Divisional Forest Officer, Forest Division,
   Haridwar, Uttaranchal,
5. The Sub Divisional Forest Officer, Forest Sub Division,
   Haridwar, Uttaranchal.
6. The Sub Divisional Forest Officer, Forest Sub Division,
   Roorkee, District Haridwar, Uttaranchal. ---Respondents.

Mr. Shailesh Tewari Adv. & Sri Sanjeev Singh, learned counsel for the petitioners,
Sri K.P. Upadhyaya, learned Standing Counsel for the State/respondents.

Coram:- Hon'ble M.M. Ghildiyal, J.
Hon'ble B.S. Verma, J.

P.C.:-

Heard Sri Sailesh Tewari, learned counsel for the petitioners and Sri K.P. Upadhyay, learned Standing Counsel for the State of Uttaranchal/respondents.

By the present writ petition, the petitioners have prayed for the following reliefs:-

i. May kindly be pleased to set-aside the impugned order dated 20.05.2006 (annexure P-7) and further be pleased to quash the proceedings dated 24.05.2006 (annexure P-6) of the respondents,

ii. May kindly be pleased to directed the respondents to permit the petitioners to operate their saw mills at the present place,

iii. May kindly be pleased to issue any other writ or direction looking to the facts and circumstances of the case alongwith cost of the petition.

In pursuance of the order dated 20th May 2006 passed by the Principal Chief Conservator of Forest, Dehradun Uttaranchal, the relocated saw mills of the petitioners have been stopped by the respondent nos. 5&6.

Submission of the learned counsel for the petitioners is that the sawmills of the petitioners are situated beyond 10 kilometers of the forests boundaries. The petitioners have already preferred representation before the Principal Chief Conservator of Forests, Dehradun, which is dated 30.05.2006 annexed as annexure no. 10 to the writ petition.

During the course of arguments, learned counsel for the petitioners has submitted that the respondent no. 2 may be directed to decide the representation of the petitioners dated 30.05.2006 which is annexed as annexure no. 10 to the writ petition.

In the circumstances of the case, we are of the opinion that it would be justified, if the respondent no. 2 may be directed to take decision on the representation of the petitioners within a particular period prescribed by the Court.

Accordingly, we direct the respondent no. 2, i.e. the Principal Chief Conservator of Forest, Dehradun to take decision on the representation of the petitioners dated 30.05.2006, annexure no. 10 to the writ petition, within a period of four weeks from the date of production of a certified copy of this order.

With this direction, the writ petition is finally disposed of.

(B.S. Verma, J.) **(M.M. Ghildiyal, J.)**

August 5, 2006:
NCM: